

SUBCHAPTER F : STANDARDS OF CONDUCT

§340.101. Ethical Standards.

(a) The correct practice of water well drilling or pump installing as a profession is essential for the protection and conservation of the groundwater of the state and has important effects on the welfare, property, economy, and security of the public. The construction of water wells and installation and repair of pumps should be conducted by individuals with high moral and ethical standards. The state legislature has vested in the commission the authority and duty to establish and enforce standards of professional conduct and ethics for practitioners of the water well drilling and pump installation profession. These standards of conduct are adopted to ensure compliance with and enforcement of the commission's statutory charge.

(b) Every applicant for a license under Texas Water Code, Chapters 32 and 33 (relating to Water Well Drillers and Water Well Pump Installers) shall be fully informed of the obligation and responsibility inherent in the practice of drilling water wells and installing pumps as outlined by the standards of conduct. Each applicant or licensee is required to submit, as part of their application, a sworn statement that he has read the standards of conduct and is required to abide by the standards.

Adopted May 8, 1996
Derived from §340.91

Effective June 6, 1996

§340.103. Intent.

(a) These standards are binding on all licensees, but nothing in these standards supersedes pertinent state statutes.

(b) These standards require that the commission determine what actions violate the standards, and institute appropriate disciplinary action which may lead to the suspension or revocation of a license.

Adopted May 8, 1996
Derived from §340.93

Effective June 6, 1996

§340.105. Offer To Perform Services.

(a) Competence in the performance of services by a licensee requires that the licensee's knowledge and skill encompass the necessary current knowledge of drilling, completion, pump installation, and plugging techniques, and of the occurrence and availability of groundwater, to the extent that the performance of services by the driller or pump installer will not create a risk of polluting waters in the state. Therefore, licensees must maintain proficiency in the field of water well drilling and pump installation.

(b) No licensee shall offer to perform services unless such services can be competently performed.

(c) A licensee shall accurately and truthfully represent to a prospective client his qualifications and the capabilities of his equipment to perform the services to be rendered.

(d) A licensee shall neither perform nor offer to perform services for which he is not qualified by experience or knowledge in any of the technical fields involved.

Adopted May 8, 1996
Derived from §340.95

Effective June 6, 1996

§340.107. Representations.

(a) Licensees shall not mislead others in any way regarding their personal qualifications or capabilities regarding the construction, altering, or plugging of a water well or installing pumps or equipment in a water well.

(b) A licensee shall not enter into a partnership or any agreement in which a person, not legally qualified to perform the services to be rendered, has control over the licensee's equipment and/or independent judgment as related to construction, alteration, or plugging of a water well or installation of pumps or equipment in a water well.

(c) A licensee shall not make false, misleading, or deceptive representations.

(d) A licensee shall make known all adverse, or suspicions of adverse, conditions concerning the quantity or quality of groundwater in the area of the prospective client's interest. If there is any uncertainty regarding the quality of water in any water well, the licensee shall recommend that the client have the suspected water analyzed.

(e) It is recommended that the licensee and consumer develop a written agreement specifying the approximate starting and completion dates; depth range(s); amount and type of material to be used; guarantees, if any; costs, method, and time of payment, as well as any other information that might help to prevent any possible misunderstanding between the driller and consumer following completion of the well.

Adopted May 8, 1996
Derived from §340.97

Effective June 6, 1996

§340.109. Unauthorized Practice.

(a) A licensee shall inform the commission of any unauthorized well drilling or pump installation practice of which the licensee has personal knowledge.

(b) A licensee shall not aid or abet an unlicensed person to unlawfully drill or offer to drill water wells or install pump equipment.

(c) A licensee shall, upon request of the executive director or his authorized representatives, furnish any information the licensee possesses concerning any alleged violation of Texas Water Code, Chapters 32 and 33 (relating to Water Well Drillers or Water Well Pump Installers) or commission rules.

Adopted May 8, 1996
Derived from §340.99

Effective June 6, 1996

§340.111. Adherence to Statutes and Codes.

(a) A licensee shall comply with all laws requiring permits for the drilling of a well or installation of pump equipment.

(b) A licensee shall not violate a rule of conduct or engage in any conduct that adversely affects his fitness to practice as a water well or pump installation contractor.

(c) A licensee shall comply with the statutes, the Texas Water Code, and all local codes and ordinances in connection with all water well drilling or pump installation services rendered.

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Derivation Table
Chapter 340 - Licensing Requirements and Complaint Procedures for Water Well Drillers and
Pump Installers
Subchapter F : Standards of Conduct

This table is to be used to track sections during and after rule revisions. The column on the left lists the current sections prior to the revision. The column on the right lists where the section is proposed to be in the final adoption.

New Section	Old Section
340.101	340.91
340.103	340.93
340.105	340.95
340.107	340.97
340.109	340.99
340.111	340.111